

1 Marc Van Der Hout (California Bar # 80778)  
2 Stacey L. Gartland (California Bar #184694)  
3 Beth Feinberg (California Bar # 240857)  
4 Van Der Hout, Brigaglano & Nightingale, LLP  
5 180 Sutter Street, Fifth Floor  
6 San Francisco, California 94104  
7 Telephone: (415) 981-3000  
8 Facsimile: (415) 981-3003  
9 Email: ndca@vblaw.com

10 Attorneys for Plaintiff  
11 Haiqi CHEN

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UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

E-Filing

ORIGINAL  
FILED  
MAY - 8 2007  
RICHARD W. WIEKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EMC

C 07 2462

Case No. \_\_\_\_\_

Haiqi CHEN

Plaintiff,

v.

United States Citizenship and Immigration Services  
("USCIS"); Department of Homeland Security  
("DHS"); Department of Justice ("DOJ"); Federal  
Bureau of Investigation ("FBI")

Defendants.

Declaration of Stacey L.  
Gartland in Support of  
Petition for Writ of  
Mandamus

Immigration Case, Administrative  
Procedure Act Case

Agency No.: A97 346 394

**DECLARATION OF STACEY L. GARTLAND**

I, Stacey L. Gartland, hereby declare the following:

1. I am an Associate Attorney at Van Der Hout, Brigaglano and Nightingale, LLP, 180 Sutter Street, Fifth Floor, San Francisco, CA 94104. I have personal knowledge of the enclosed documents because Van Der Hout, Brigaglano & Nightingale, LLP represents Plaintiff Haiqi Chen ("Chen") in his immigration matters. I make this declaration in support of Chen's Petition for Writ of Mandamus.

2. Chen is a national of China and a citizen of Canada. He earned his Bachelor of Science degree in Physics from the University of Science and Technology of China in Hefei, China, his Masters of Science degree in Astrophysics from the Beijing Astronomical Observatory in Beijing, China, and his Ph.D. in Astrophysics from the University of Western Ontario in Ontario, Canada. Chen has worked as a senior level technology project leader for @Road, Inc. in Fremont, California since January 2000. He has maintained lawful immigration status at all times while in the United States.

3. On July 3, 2003, Chen filed an employment-based Application to Adjust Status (Form I-485) ("adjustment of status application") with the USCIS California Service Center. Copies of Chen's adjustment of status application and Receipt Notice are attached as Exhibit A.

4. On November 2, 2004, Chen, through counsel, contacted the USCIS California Service Center via electronic mail to inquire about the status of his adjustment of status application. Chen did not receive a response to this first inquiry. A copy of Chen's inquiry and USCIS' response is attached as Exhibit B.

5. On November 17, 2004, Chen, through counsel, again contacted the USCIS California Service Center via electronic mail to inquire about the status of his adjustment of status application. On December 15, 2004, Chen received a response to this inquiry from Kathleen

1 Bergey, California Service Center Adjudications Officer, stating that Chen's case was undergoing  
2 a detailed review. See Exhibit B.

3 6. On June 14, 2005, almost two years after Chen had filed his adjustment of status  
4 application, Chen, through counsel, again contacted the USCIS California Service Center via  
5 electronic mail as to inquire about the status of his application. Chen informed me that he did not  
6 receive a response to this inquiry. See Exhibit B.

7 7. On July 13, 2005, Chen, through counsel, contacted the USCIS California Service  
8 Center via electronic mail for a fourth time to inquire as to the status of his adjustment of status  
9 application. Chen informed me that he did not receive a response to this inquiry either. See  
10 Exhibit B.

11 8. On December 12, 2005, Chen mailed a letter to United States Senator Barbara Boxer to  
12 ask for help to determine the status of his background security check. A copy of Chen's letter is  
13 attached as Exhibit C.

14 9. On February 10, 2006, Chen called the USCIS National Customer Service Center to  
15 inquire about the status of his adjustment of status application. On March 7, 2006, Chen received  
16 a letter from the USCIS California Service Center stating that the processing of his case has been  
17 delayed, as the required investigation into his background remains open. A copy of the USCIS  
18 letter dated March 7, 2006 is attached as Exhibit D.

19 10. On September 25, 2006, Chen, through counsel, contacted the USCIS California Service  
20 Center yet again via electronic mail to inquire as the status of his adjustment of status application.  
21 On September 26, 2006, T. Le of the USCIS California Service Center confirmed by email that  
22 Chen's FBI background security check had yet to be cleared, and that until it is cleared, Chen's  
23 adjustment of status application will not be adjudicated. See Exhibit B.

1 11. On June 8, 2006, Chen contacted United States Congressman Pete Stark to ask for  
2 assistance in determining the status of his background security check. On August 16, 2006, Chen  
3 received a reply letter from Congressman Stark, stating that according to the FBI, Chen's name  
4 check was still pending. A copy of the letter from Congressman Stark's office is attached as  
5 Exhibit E.

6 12. On September 6, 2006, Chen contacted United States Senator Diane Feinstein to ask for  
7 help in expediting the completion of his background security check. On December 8, 2006, Chen  
8 received a response from Senator Feinstein's office, stating that Chen's FBI name check was still  
9 pending. A copy of the letter from Senator Feinstein's office is attached as Exhibit F.

10 13. The USCIS website shows that as of April 18, 2007, the agency is currently processing  
11 employment-based adjustment of status applications received on or before September 11, 2006.  
12 A computer printout showing the USCIS Processing Dates is attached as Exhibit G.

13 I declare under penalty of perjury that the above information is true and correct to the best of my  
14 knowledge. Executed this 8th day of May, 2007 at San Francisco, California.

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Stacey L. Gartland

## EXHIBIT A

UNITED STATES OF AMERICA

|   |  |  |
|---|--|--|
| RECEIPT NUMBER<br>WAC-03-205-53173  | CASE TYPE<br>I485. APPLICATION TO ADJUST TO PERMANENT<br>RESIDENT STATUS |  |
| RECEIVED DATE<br>July 3, 2003   | PRIORITY DATE<br>APPLICANT A97 346 394<br>CHEN, HAIQI                    |  |
| NOTICE DATE<br>July 7, 2003   | PAGE<br>1 of 1   |  |
| JOCELYNE J. KIM LEW<br>JOCELYNE J KIM LEW A PROF LAW CORP<br>RE: HAIQI CHEN<br>2055 WOODSIDE RD STE 150<br>REDWOOD CITY CA 94061-3347 |  | Notice Type: Receipt Notice<br>Amount received: \$ 305.00<br>Section: Adjustment as direct<br>beneficiary of immigrant<br>petition |

The above application or petition has been received. It usually takes 160 to 180 days from the date of this receipt for us to process this type of case. Please notify us immediately if any of the above information is incorrect.

We will send you a written notice as soon as we make a decision on this case. You can also use the phone number (800) 375-5283 to obtain case status information direct from our automated system 24 hours a day with a touch-tone phone and the receipt number for this case (at the top of this notice).

If you have other questions about possible immigration benefits and services, filing information, or Immigration and Naturalization Service forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call our TDD at 1-800-767-1833.

You can also visit the INS on the internet at [www.ins.gov](http://www.ins.gov). On our web site you can get up-to-date case status information on your case and find valuable information about immigration services and benefits.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
CALIFORNIA SERVICE CENTER

1-800-375-5283

MAILING ADDRESS: 92607-0111

Customer Service Telephone: (800) 375-5283



**CALIFORNIA SERVICE CENTER**  
**DIRECT FILING ADJUSTMENT OF STATUS CHECKLIST**  
(Lilac)

DATE: 07-02-2003

I-485 FILED BASED ON AN APPROVED

I-140  
 I-526  
 I-360 (RELIGIOUS WORKER)

ATTORNEY (If applicable): JOCELYNE J. KIM LEWPRINCIPAL APPLICANT: CHEN, HaiqiACCOMPANYING FAMILY MEMBER(S): BA, XiaohongCHEN, Matthew EdwardAGE-OUT DEPENDENT: \_\_\_\_\_ Date of birth: \_\_\_\_\_  
(Submit evidence of dependent's date of birth on age-out case)**FEES:**

|   |                                      |
|---|--------------------------------------|
| <input checked="" type="checkbox"/> I-485 (Age 14 and older) \$255                      | <input type="checkbox"/> I-131 \$110 |
| <input type="checkbox"/> I-485 (Less than 14 years old) \$160                           | <input type="checkbox"/> I-765 \$120 |
| <input type="checkbox"/> I-485 Supplement A \$1,000                                     | <input type="checkbox"/> I-601 \$195 |
| <input checked="" type="checkbox"/> Fingerprint fee \$50                                | <input type="checkbox"/> I-212 \$195 |
| <input type="checkbox"/> I-191 \$195  |                                      |
| <input type="checkbox"/> I-824 \$140 (Filed if principal has an I-485 already approved) |                                      |

EMPLOYMENT BASED:  1<sup>ST</sup>  2<sup>ND</sup>  3<sup>RD</sup>  4<sup>TH</sup>  5<sup>TH</sup>PRIORITY DATE: 06-08-2001 COUNTRY OF CHARGEABILITY: CHINA**FORMS AND DOCUMENTS**

The items listed in the left-hand column should be placed in order followed by the additional evidence listed in the right-hand column.

|  |  |
|--|--|
| <input checked="" type="checkbox"/> G-28, if applicable  | <input type="checkbox"/> I-212, I-606 or I-191                                       |
| <input checked="" type="checkbox"/> I-485  | <input checked="" type="checkbox"/> Copy of passport                                 |
| <input type="checkbox"/> Supplement A (if any)   | <input checked="" type="checkbox"/> Birth certificate and translation, if applicable |
| <input checked="" type="checkbox"/> 2 photographs for I-485  | <input type="checkbox"/> Copy of I-20  |
| <input checked="" type="checkbox"/> Employment-based visa petition approval notice (I-797 or I-171C) | <input type="checkbox"/> Copy of IAP66   |
| <input checked="" type="checkbox"/> Medical Form I-693 and supplement                                | <input type="checkbox"/> I-612 approval notice, (if applicable)                      |
| <input checked="" type="checkbox"/> All other supporting documents                                   | <input checked="" type="checkbox"/> Evidence of admission and I-94, if any           |
| <input checked="" type="checkbox"/> Fingerprints (\$50 fee)  | <input type="checkbox"/> 2 photographs for I-765, if submitted                       |
|  | <input type="checkbox"/> 2 photographs for I-131, if submitted                       |

Please submit supporting form packages (e.g., I-765, I-131, I-601, I-191, I-212) individually acco-fastened apart from the I-485 package. You are encouraged to submit separate fees for each form submitted.

## Form I-485, Application to Register Permanent Resident or Adjust Status

U.S. Department of Justice  
Immigration and Naturalization Service

## START HERE - Please Type or Print

## Part 1. Information About You.

|             |      |            |       |                |      |
|-------------|------|------------|-------|----------------|------|
| Family Name | CHEN | Given Name | Haiqi | Middle Initial | NONE |
|-------------|------|------------|-------|----------------|------|

Address - C/O

|                        |                        |        |
|------------------------|------------------------|--------|
| Street Number and Name | 45435 Potawatami Drive | Apt. # |
|------------------------|------------------------|--------|

City: Fremont

|       |    |          |       |
|-------|----|----------|-------|
| State | CA | Zip Code | 94539 |
|-------|----|----------|-------|

|                                |          |                  |       |
|--------------------------------|----------|------------------|-------|
| Date of Birth (month/day/year) | 09-11-59 | Country of Birth | CHINA |
|--------------------------------|----------|------------------|-------|

|                   |             |              |      |
|-------------------|-------------|--------------|------|
| Social Security # | 614-13-8181 | A # (if any) | NONE |
|-------------------|-------------|--------------|------|

|                                       |            |        |              |
|---------------------------------------|------------|--------|--------------|
| Date of Last Arrival (month/day/year) | 08-05-2001 | I-94 # | 564944170 08 |
|---------------------------------------|------------|--------|--------------|

|                    |      |                             |                                   |
|--------------------|------|-----------------------------|-----------------------------------|
| Current INS Status | H-1B | Expires on (month/day/year) | 09-30-2003<br>(Extension pending) |
|--------------------|------|-----------------------------|-----------------------------------|

## Part 2. Application Type. (Check one)

am applying for an adjustment to permanent resident status because:

- an immigrant petition giving me an immediately available immigrant visa number has been approved. (Attach a copy of the approval notice- or a relative, special immigrant juvenile or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)
- my spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.
- I entered as a K-1 fiance(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiance(e). (Attach a copy of the fiance(e) petition approval notice and the marriage certificate.)
- I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- I am a native or citizen of Cuba admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.
- I am the husband, wife or minor unmarried child of a Cuban described in (e) and am residing with that person, and was admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.
- I have continuously resided in the U.S. since before January 1, 1972.
- Other basis of eligibility. Explain. (If additional space is needed, use a separate piece of paper.)

am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the U.S. as a nonimmigrant or parolee, or as May 2, 1964, whichever date is later, and: (Check one)

- I am a native or citizen of Cuba and meet the description in (e), above.
- I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

## FOR INS USE ONLY

|                       |         |
|-----------------------|---------|
| Returned              | Receipt |
|                       |         |
| Resubmitted           |         |
|                       |         |
| Reloc Sent            |         |
|                       |         |
| Reloc Rec'd           |         |
|                       |         |
| Applicant Interviewed |         |
|                       |         |

|   |
|---|
| Section of Law  |
| <input type="checkbox"/> Sec. 209(b), INA<br><input type="checkbox"/> Sec. 13, Act of 9/11/57<br><input type="checkbox"/> Sec. 245, INA<br><input type="checkbox"/> Sec. 249, INA<br><input type="checkbox"/> Sec. 2 Act of 11/2/66<br><input type="checkbox"/> Sec. 2 Act of 11/2/66<br><input type="checkbox"/> Other _____ |

|  |
|--|
| Country Chargeable   |
|  |
| Eligibility Under Sec. 245   |
| Approved Visa Petition<br>Dependent of Principal Alien<br>Special Immigrant<br>Other _____ |

|            |
|------------|
| Preference |
|            |

|              |
|--------------|
| Action Block |
|              |

|  |
|--|
| To be Completed by<br>Attorney or Representative, if any                             |
| <input type="checkbox"/> Fill in box if G-28 is attached to represent the applicant. |
| VOLAG #  |
| 77-187   |
| ATTY State License #   |

Continued on back

Canadian Astronomical Society 1989-1994

ur present and past membership in or affiliation with every political organization, association, fund, foundation, party, society or similar organization or in other places or in the United States or in any foreign country (s), dates of membership from and to, and the name of the organization (s). If additional space is needed, use a separate sheet of paper.

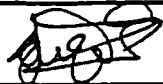
3. If you receive multiple messages and all your notes and messages (if you have doc, write 'done'). If additional space is needed, use a separate piece of paper.)



**4. Signature.** (Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)

I, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the INS to obtain any information from my records which the INS needs to determine eligibility for the benefit I am seeking.

**Service Registration.** The following applies to you if you are a man at least 18 years old, but not yet 26 years old, who is required to register with the Selective Service System: I understand that my filing this adjustment of status application with the Immigration and Naturalization Service authorizes the INS to provide registration information to the Selective Service System in accordance with the Military Selective Service Act. Upon INS acceptance of my application, I authorize INS to transmit to the Selective Service System my name, current address, Social Security number, date of birth and the date I filed the application for the purpose of recording my Selective Service registration as of the filing date. If, however, the INS does not accept my application, I further understand that, if so required, I am responsible for registering for Selective Service by other means, provided I have not yet reached age 26.



*Print Your Name*

Haiqi Chen

*Date*

07-02-2003

*Daytime Phone Number*

(510) 870-1328

**Note:** If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested benefit and this application may be denied.

**5. Signature of Person Preparing Form, If Other Than Above. (Sign Below)**

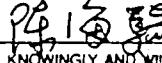
I, \_\_\_\_\_, state that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

*Print Your Name* \_\_\_\_\_ *Date* \_\_\_\_\_ *Daytime Phone Number* \_\_\_\_\_

*Name* \_\_\_\_\_  
*Address* \_\_\_\_\_

i. Department of Justice  
Immigration and Naturalization ServiceFORM G-325A  
BIOGRAPHIC INFORMATION

OMB No. 1115-0066

|   |  |                        |   |  |   |   |                    |
|---|--|------------------------|---|--|---|---|--------------------|
| (Family name)<br>CHEN   | (First name)<br>Haiqi                                  | (Middle name)<br>NONE  | <input checked="" type="checkbox"/> MALE<br><input type="checkbox"/> FEMALE   | BIRTHDATE (Mo.-Day-Yr.)<br>09-11-59            | NATIONALITY<br>CANADA                     | FILE NUMBER<br>A- NONE                      |                    |
| ALL OTHER NAMES USED (Including names by previous marriages)<br>Harry   |  |                        | CITY AND COUNTRY OF BIRTH<br>Su, China  |  |   | SOCIAL SECURITY NO.<br>(If any) 614-13-8181 |                    |
| FATHER  | FAMILY NAME<br>CHEN                                    | FIRST NAME<br>Tan      | DATE, CITY AND COUNTRY OF BIRTH (If known)<br>01-04-24 Suiyan, China  | CITY AND COUNTRY OF RESIDENCE<br>Huabei, China |   |   |                    |
| MOTHER (Maiden name)<br>MA  |  | Xin                    | 05-15-24 Su, China  | Huabei, China                                  |   |   |                    |
| HUSBAND (If none, so state)<br>WIFE   | FAMILY NAME<br>(For wife, give maiden name)<br>Wife BA | FIRST NAME<br>Xiaohong | BIRTHDATE<br>04-09-64   | CITY & COUNTRY OF BIRTH<br>Changchun, China    | DATE OF MARRIAGE<br>07-31- 87             | PLACE OF MARRIAGE<br>Beijing, China         |                    |
| FORMER HUSBANDS OR WIVES (If none, so state)<br>FAMILY NAME (For wife, give maiden name)<br>NONE  |  | FIRST NAME             | BIRTHDATE   | DATE & PLACE OF MARRIAGE                       | DATE AND PLACE OF TERMINATION OF MARRIAGE |   |                    |
| APPLICANT'S RESIDENCE LAST FIVE YEARS. LIST PRESENT ADDRESS FIRST.  |  |                        |   |  |   |   |                    |
| STREET AND NUMBER<br>45435 Potawatami Drive   |  | CITY<br>Fremont        | PROVINCE OR STATE<br>CA   | COUNTRY<br>USA                                 | MONTH<br>05                               | YEAR<br>03                                  | TO<br>PRESENT TIME |
| 45442 Potawatami Drive  |  | Fremont                | CA  | USA  | 10  | 01  | 04 03              |
| 825 E. Evelyn Ave., Apt. #510   |  | Sunnyvale              | CA  | USA  | 04  | 99  | 09 01              |
| 72 MacEwan Meadow Rise  |  | Calgary                | ALBERTA   | CANADA   | 04  | 94  | 04 99              |
|   |  |                        |   |  |   |   |                    |
|   |  |                        |   |  |   |   |                    |
| APPLICANT'S LAST ADDRESS OUTSIDE THE UNITED STATES OF MORE THAN ONE YEAR  |  |                        |   |  |   |   |                    |
| STREET AND NUMBER<br>72 MacEwan Meadow Rise   |  | CITY<br>Calgary        | PROVINCE OR STATE<br>ALBERTA  | COUNTRY<br>CANADA                              | MONTH<br>04                               | YEAR<br>94                                  | TO<br>04 99        |
| APPLICANT'S EMPLOYMENT LAST FIVE YEARS. (If none, so state.) LIST PRESENT EMPLOYMENT FIRST  |  |                        |   |  |   |   |                    |
| FULL NAME AND ADDRESS OF EMPLOYER<br>@Roads, Inc. 47200 Bayside Pkwy., Fremont, CA  |  |                        | OCCUPATION (SPECIFY)<br>ENG   | MONTH<br>04                                    | YEAR<br>00                                | TO<br>PRESENT TIME                          |                    |
| Hynet Technologies, Inc.<br>1927 Landings Drive, Mountain View, CA 94043  |  |                        | Sr. Comp. Syst. Analyst   | 06   | 99  | 03  | 00                 |
| MegaSys Computer Technologies   |  |                        | Comp. Syst. Analyst   | 08   | 97  | 05  | 99                 |
| 6815-8th St. NE, Calgary, Alberta T2E 7H7 CANADA  |  |                        |   |  |   |   |                    |
| Show below last occupation abroad if not shown above. (Include all information requested above.)  |  |                        |   |  |   |   |                    |
| HIS FORM IS SUBMITTED IN CONNECTION WITH APPLICATION FOR:<br><input type="checkbox"/> NATURALIZATION<br><input checked="" type="checkbox"/> STATUS AS PERMANENT RESIDENT<br><input type="checkbox"/> OTHER (SPECIFY): |  |                        | SIGNATURE OF APPLICANT<br>   |  |   | DATE<br>07-02-2003                          |                    |
| Are all copies legible? <input checked="" type="checkbox"/> Yes   |  |                        | IF YOUR NATIVE ALPHABET IS IN OTHER THAN ROMAN LETTERS, WRITE YOUR NAME IN YOUR NATIVE ALPHABET IN THIS SPACE.<br> |  |   |   |                    |

PENALTIES: SEVERE PENALTIES ARE PROVIDED BY LAW FOR KNOWINGLY AND WILLFULLY FALSIFYING OR CONCEALING A MATERIAL FACT.

**APPLICANT:** BE SURE TO PUT YOUR NAME AND ALIEN REGISTRATION NUMBER IN THE BOX OUTLINED BY HEAVY BORDER BELOW.

|   |                       |                       |                                     |
|---|-----------------------|-----------------------|-------------------------------------|
| COMPLETE THIS BOX (Family name)<br>CHEN | (Given name)<br>Haiqi | (Middle name)<br>NONE | (Alien registration number)<br>NONE |
|---|-----------------------|-----------------------|-------------------------------------|

UNITED STATES OF AMERICA

|  |                               |  |
|--|-------------------------------|--|
| RECEIPT NUMBER<br>WAC-03-177-52819   |                               | CASE TYPE<br>I140<br>IMMIGRANT PETITION FOR ALIEN WORKER   |
| RECEIPT DATE<br>May 23, 2003   | PRIORITY DATE<br>June 8, 2001 | PETITIONER<br>ROAD INC   |
| NOTICE DATE<br>June 16, 2003   | PAGE<br>1 of 1                | BENEFICIARY<br>CHEN, HAIQI   |
| JOCELYNE J. KIM LEW<br>JOCELYNE J KIM LEW A PROFESSIONAL<br>RE: HAIQI CHEN<br>2055 WOODSIDE RD STE 150<br>REDWOOD CITY CA 94061-3347 |                               | Notice Type: Approval Notice<br>Section: Mem of Profession w/Adv Deg, or<br>of Exceptn'l Ability<br>Sec.203(b) (2) |

The above petition has been approved. The approved petition will be stored in this office. If the person for whom you are petitioning is or becomes eligible to apply for adjustment of status, he or she should contact the local INS office to obtain Form I-485, Application for Permanent Residence. A copy of this notice should be submitted with the application, with appropriate fee, to this Service Center. Additional information about eligibility for adjustment of status may be obtained from the local INS office serving the area where he or she lives, or by calling 1-800-375-5263.

If the person for whom you are petitioning decides to apply for a visa outside the United States based upon this petition, the petitioner should file Form I-824, Application for Action on an Approved Application or Petition, with this office to request that we send the petition to the Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

I certify that I have compared this copy with  
its original and it is a true and complete copy.  
Signed \_\_\_\_\_ Date JUL 02 2003  
JOCELYNE J. KIM LEW, Attorney at Law  
2055 Woodside Road, #150 Redwood City, CA 94061  
Admitted to practice in the State of California

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE

CALIFORNIA SERVICE CENTER

P. O. BOX 30111

LAGUNA NIGUEL CA 92607-0111

Customer Service Telephone: (800) 375-5283



HAIQI CHEN (DOB=09-11-59)

**LOC Q. DUONG, M.D.**  
200 NORTH JACKSON AVENUE  
SUITE C  
SAN JOSE, CALIFORNIA 95116

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| RECEIPT NUMBER<br>WAC-03-199-52589  |                | CASE TYPE<br>I129<br>PETITION FOR A NONIMMIGRANT WORKER                            |
|---|----------------|--|
| RECEIPT DATE<br>June 25, 2003   | PRIORITY DATE  | PETITIONER<br>ROAD INC   |
| NOTICE DATE<br>November 6, 2003   | PAGE<br>1 of 1 | BENEFICIARY<br>CHEN, HAIQI   |
| JOCELYNE J. KIM LEW<br>JOCELYNE J KIM LEW A PROF LAW CORP<br>RE: HAIQI CHEN<br>2055 WOODSIDE RD STE 150<br>REDWOOD CITY CA 94061-3347 |                | Notice Type: Approval Notice<br>Class: H1B1<br>Valid from 10/01/2003 to 09/30/2006 |

The above petition and extension of stay have been approved. The status of the named foreign worker(s) in this classification is valid as indicated above. The foreign worker(s) can work for the petitioner, but only as detailed in the petition and for the period authorized. Any change in employment requires a new petition. Since this employment authorization stems from the filing of this petition, separate employment authorization documentation is not required. Please contact the IRS with any questions about tax withholding.

The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker. He or she should keep the right part with his or her Form I-94, "Arrival/Departure Record." This should be turned in with the I-94 when departing the U.S. The left part is for his or her records. A person granted an extension of stay who leaves the U.S. must normally obtain a new visa before returning. The left part can be used in applying for the new visa. If a visa is not required, he or she should present it, along with any other required documentation, when applying for reentry in this new classification at a port of entry or pre-flight inspection station. The petitioner may also file Form I-824, "Application for Action on an Approved Application for Petition," with this office to request that we notify a consulate, port of entry, or pre-flight inspection office of this approval.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
CALIFORNIA SERVICE CENTER  
P. O. BOX 30111  
LAGUNA NIGUEL CA 92697-0111  
Customer Service Telephone: (800) 375-5283  
Form I797A (Rev. 09/07/93)N



PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt # WAC-03-199-52589

I-94# 564944170 08

NAME CHEN, HAIQI

CLASS H1B1

VALID FROM 10/01/2003 UNTIL 09/30/2006

PETITIONER: ROAD INC

47200 BAYSIDE PKWY  
FREMONT CA 94538

564944170 08

Receipt Number WAC-03-199-52589

Immigration and

Naturalization Service

I-94

Departure Record

Petitioner: ROAD INC

14. Family Name

CHEN

15. First (Given) Name

HAIQI

16. Date of Birth

09/11/1959

17. Country of Citizenship  
CANADA

UNITED STATES OF AMERICA

|   |  |   |
|---|--|---|
| RECEIPT NUMBER<br>WAC-00-232-54524  |  | CASE TYPE<br>I129<br>PETITION FOR A NONIMMIGRANT WORKER |
| RECEIPT DATE<br>August 9, 2000  | PRIORITY DATE  | PETITIONER<br>ROAD INC                                  |
| NOTICE DATE<br>September 12, 2000   | PAGE<br>1 of 1   | BENEFICIARY<br>CHEN, HAIQI                              |
| JOCELYNE J. KIM LEW<br>JOCELYNE J. KIM LEW A PROF LAW CORP<br>RE: HAIQI CHEN<br>2055 RD STE 150<br>REDWOOD CITY CA 94061-3347 | Notice Type: Approval Notice<br>Class: H1B1<br>Valid from 10/01/2000 to 09/30/2003 |   |

The above petition and change of status have been approved. The status of the named foreign worker(s) in this classification is valid as indicated above. The foreign worker(s) can work for the petitioner, but only as detailed in the petition and for the period authorized. Any change in employment requires a new petition. Since this employment authorization stems from the filing of this petition, separate employment authorization documentation is not required. Please contact the IRS with any questions about tax withholding.

The petitioner should keep the upper portion of this notice. The lower portion should be given to the worker. He or she should keep the right part with his or her Form I-94, Arrival-Departure Record. This should be turned in with the I-94 when departing the U.S. The left part is for his or her records. A person granted a change of status who leaves the U.S. must normally obtain a visa in the new classification before returning. The left part can be used in applying for the new visa. If a visa is not required, he or she should present it, along with any other required documentation, when applying for reentry in this new classification at a port of entry or pre-flight inspection station. The petitioner may also file Form I-824, Application for Action on an Approved Application or Petition, with this office to request that we notify a consulate, port of entry, or pre-flight inspection office of this approval.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE  
CALIFORNIA SERVICE CENTER  
P. O. BOX 30111  
MAYSON NIGUEL CA 92607-0111  
Customer Service Telephone: (949) 831 8427  
Form I-97A (Rev. 09/07/93)N



PLEASE TEAR OFF FORM I-94 PRINTED BELOW, AND STAPLE TO ORIGINAL I-94 IF AVAILABLE

Detach This Half for Personal Records

Receipt # WAC-00-232-54524

I-94# 039953225 07

NAME CHEN, HAIQI

CLASS H1B1

VALID FROM 10/01/2000 UNTIL 09/30/2003

PETITIONER: ROAD INC

47200 BAYSIDE PKWY  
FREMONT CA 94538

259958225 07

Receipt Number WAC-00-232-54524

Immigration and  
Naturalization Service

I-94

Departure Record

Petitioner: ROAD INC

14. Family Name

CHEN

15. First (Given) Name

HAIQI

16. Date of Birth

09/11/1959

17. Country of Citizenship

CHINA, PEOPLE'S REPUBLIC OF

Departure Number

520208783 04 MULTIPLE ENTRY

Immigration and  
Naturalization ServiceI-94  
Departure RecordU.S. IMMIGRATION  
305 GWE 145

MAY 22 1999

ADMITTED TNUNTIL May 21, 2000

|   |   |  |
|---|---|--|
| 1. Family Name<br><b>C.H.E.N</b>                | 2. First (Given) Name<br><b>H.A.I.Q.I</b> | 3. Birth Date (Day/Mo/Yr)<br><b>11,09,59</b> |
| 4. Country of Citizenship<br><b>C.A.N.A.D.A</b> |   |  |

I certify I have completed the entry interview.

JUL 02 2003

Arrived in the United States at Los Angeles International Airport, Los Angeles, California, CA 90045

Warning: A nonimmigrant who accepts unauthorized employment is subject to deportation.

Important - Retain this permit in your possession; you must surrender it when you leave the U.S. Failure to do so may delay your entry into the U.S. in the future.

You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

Surrender this permit when you leave the U.S.:

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official;
- Across the Mexican border, to a U.S. Official.

Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 prior to surrendering this permit.

## Record of Changes

Camp Syst Analyst

072200

9905250

8/2003

Flight #/Ship Name:

Port:

Departure Record

Date:

Carrier:

Flight #/Ship Name:

Departure Number  
**259958225 07** U.S. IMMIGRATION  
 VANCOUVER, B.C. 242

Immigration and  
 Naturalization Service

1-94  
 Departure Record

**MULTI-ENTRY** **ADMITTED** **UNTIL** **CLASS**  
**07 APR 2001**

|   |  |   |
|---|--|---|
| 14. Family Name<br><b>CHE</b>               | 15. First (Given) Name<br><b>HAIQI</b> | 16. Birth Date (Day/Mo/Yr)<br><b>110959</b> |
| 17. Country of Citizenship<br><b>CANADA</b> |  |   |

See Other Side      ENGLISH      STAPLE HERE

**Warning** A nonimmigrant who accepts unauthorized employment is subject to deportation.

**Important** - Retain this permit in your possession; *you must surrender it when you leave the U.S.* Failure to do so may delay your entry into the U.S. in the future.

You are authorized to stay in the U.S. only until the date written on this form. To remain past this date, without permission from immigration authorities, is a violation of the law.

**Surrender this permit when you leave the U.S.:**

- By sea or air, to the transportation line;
- Across the Canadian border, to a Canadian Official;
- Across the Mexican border, to a U.S. Official.

Students planning to reenter the U.S. within 30 days to return to the same school, see "Arrival-Departure" on page 2 of Form I-20 prior to surrendering this permit.

Record of Changes

|                       |                   |
|-----------------------|-------------------|
| <b>(a) ROAD, Com</b>  | <b>EMPLOYMENT</b> |
| <b>FREMONT, CA</b>    | <b>AUTHORIZED</b> |
| <b>UCV000408/1156</b> |                   |

Port:      Departure Record

Date:

Carrier:

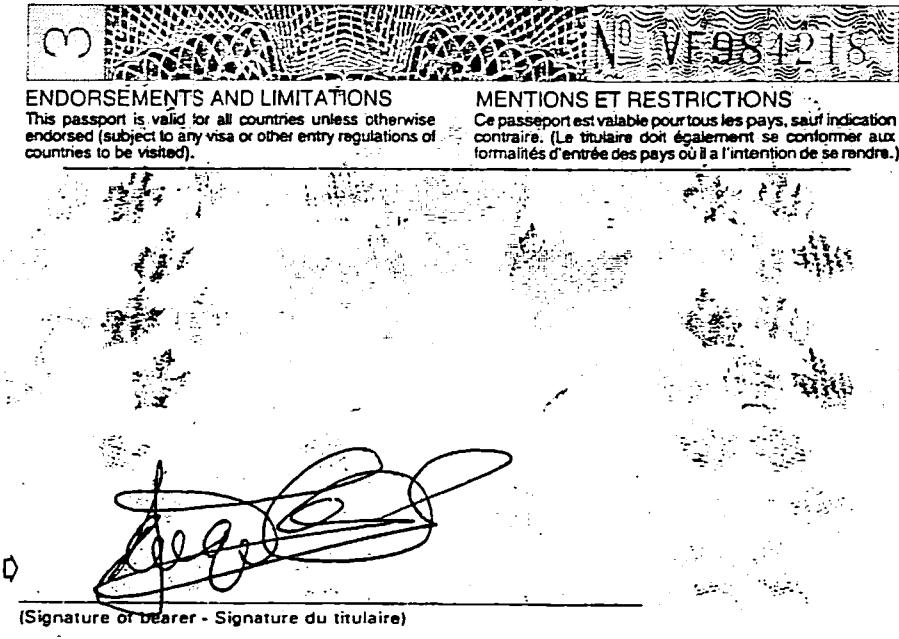
Flight #/Ship Name:

For sale by the Superintendent of Documents, U.S. Government Printing Office  
 Washington, D.C. 20402

I certify that I have compared this copy with  
 its original and it is a true and complete copy.  
 Signed

JOCELYNE J. KIM LEW, Attorney at Law  
 2055 Woodside Road, #150 Redwood City, CA 94061  
 Admitted to practice in the State of California

Date: **JUL 02 2003**



|  |   |   |
|--|---|---|
| <b>PASSPORT<br/>PASSEPORT</b>                              | <b>CANADA</b>                                     |   |
|  | Type/Type<br><b>P</b>                             | Issuing country/Pays émetteur<br><b>CAN</b>           |
| Surname/Nom<br><b>CHEN</b>                                 |   |   |
| Given names/Prénoms<br><b>HAIQI</b>                        |   |   |
| Nationality/Nationalité<br><b>CANADIAN/CANADIENNE</b>      |   |   |
| Date of birth/Date de naissance<br><b>11 SEPT/SEPT 59</b>  |   |   |
| Sex/Sexe<br><b>M</b>                                       | Place of birth/Lieu de naissance<br><b>SU CHN</b> | Issuing office/Bureau de délivrance<br><b>CALGARY</b> |
| Date of issue/Date de délivrance<br><b>04 DEC / DEC 98</b> |   |   |
| Date of expiry/Date d'expiration<br><b>04 DEC / DEC 03</b> |   |   |
| Passport No./Nº de passeport<br><b>VF984218</b>            |   |   |

I certify that I have compared this copy with  
its original and it is a true and complete copy.  
Signed JOCELYNE J. KIM LEW Date JUL 02 2003  
JOCELYNE J. KIM LEW, Attorney at Law  
2055 Woodside Road, #150 Redwood City, CA 94061  
Admitted to practice in the State of California

8  
VISAS

VISAS  
9

U.S. IMMIGRATION  
305 SWE 145

APR 23 1999

ADMITTED T D (CLASS)

UNTIL

U.S. IMMIGRATION  
130  
SFA  
22-26

JAN 07 2001

ADMITTED  
UNTIL

(CLASS)

This passport contains 24 pages.  
Ce passeport contient 24 pages.

I certify that I have compared this copy with  
its original and it is a true and accurate copy  
Signed JOCELYNE J. KIM, Esq. Attala JUL 02 2003  
JOCELYNE J. KIM, Esq., Attorney at Law  
2055 Woodside Road, #150 Redwood City, CA 94061  
Admitted to practice in the State of California

11

VISAS

10

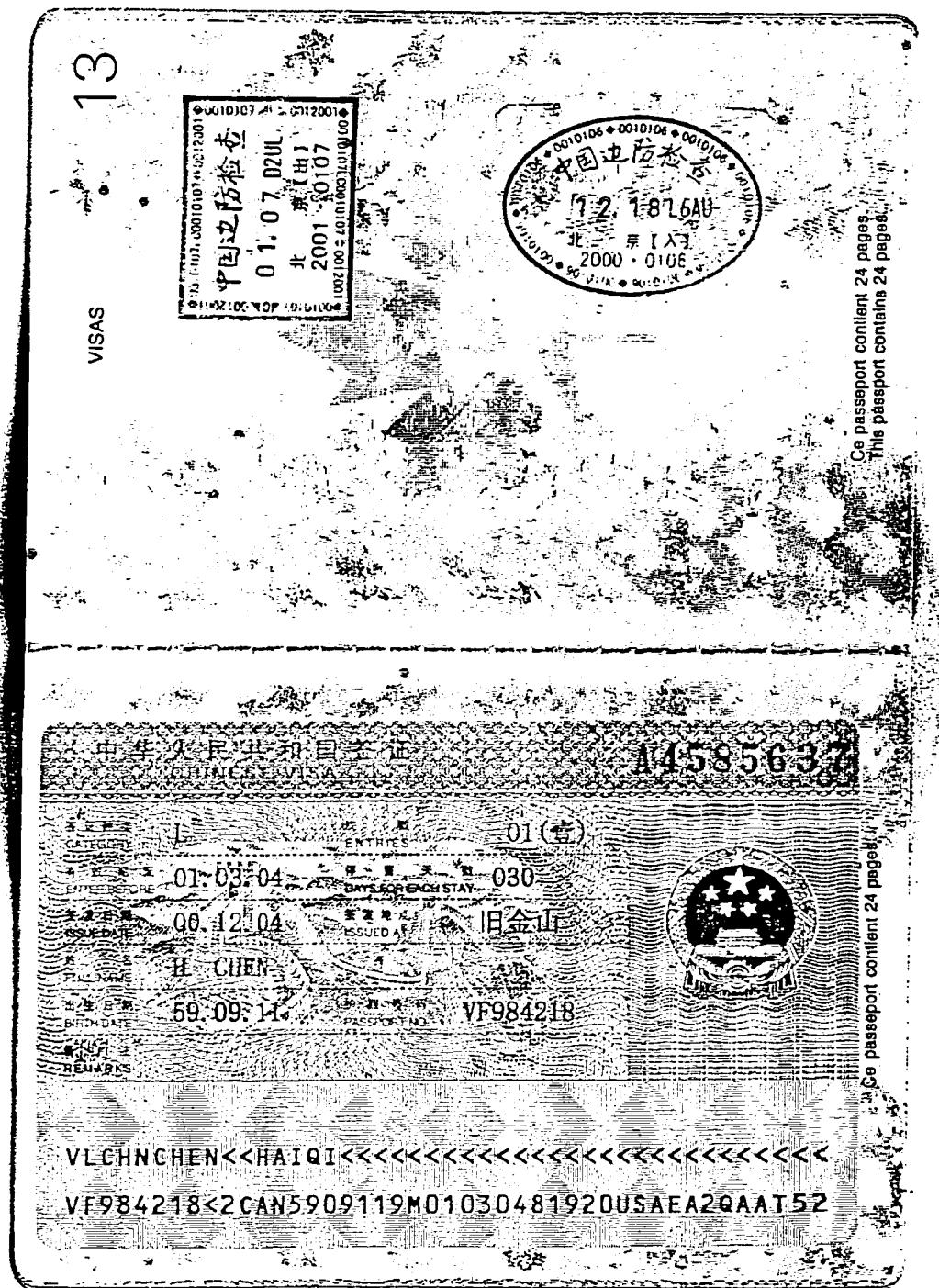
VISAS

I certify that I have compared this copy with  
its original and it is a true and complete copy.  
Signature

JOCELYN E. KIM, Attorney at Law  
2051 Woodside Road, #158 Redwood City, CA 94061  
Admitted to practice in the State of California  
Date JUL 02 2003

Ce passeport contient 24 pages.  
This passport contains 24 pages.

Ce passeport contient 24 pages.  
This passport contains 24 pages.



I certify that I have compared this copy with  
its original and it is a true and complete copy.

is original and it is a true and accurate copy.  
Signed JULY 02 2003  
JOCELYNE J. KIM LEW, Attorney at Law  
2055 Woodside Road, #300 (Seawood City, CA 94081)  
Admitted to practice in the State of California

## DEPARTMENT OF JUSTICE

Immigration &amp; Naturalization Service

## PROCESSING SHEET

Application or  
Petition Form No. I-485Filing Date: 07-02-2003  
File No. NONEData Collection for Alien Documentation.  
Identification & Telecommunications System (ADIT) and I-181

Please print or type information requested below:

NAME: CHEN, HaiqiSTREET ADDRESS: 45435 Potawatami DriveCITY: FremontSTATE / ZIP CODE: CA/94539

## SEX

 Male Female

## Date of Birth:

09-11-59

|                                   |        |                                      |
|-----------------------------------|--------|--------------------------------------|
| CITY / TOWN / VILLAGE<br>OF BIRTH | Su     | COUNTRY OF<br>BIRTH: CHINA           |
| COUNTRY OF<br>NATIONALITY:        | CANADA | COUNTRY OF LAST<br>RESIDENCE: CANADA |

Marital Status:  Single  Married  Widowed  Divorced  Separated

|   |                             |                             |
|---|-----------------------------|-----------------------------|
| OCCUPATION:<br>Engineer: Project Leader | MOTHER'S FIRST NAME:<br>Xin | FATHER'S FIRST NAME:<br>Tan |
|---|-----------------------------|-----------------------------|

DO NOT WRITE BELOW THIS LINECLASSIFICATION

|   |   |   |
|---|---|---|
| N.I. class at time<br>of adjustment <u>H-1B</u>             | Year adm. to U.S. or year cng.<br>to present NI class <u>2000</u> | Approval Notice, form I-797:<br><br>Classification: <u>EB-2</u><br><br>Priority Date: <u>06-08-2001</u> |
| Place last NIV issued<br>(U.S. Consular Post) <u>Waived</u> | Date of issuance<br>of last NIV <u>Waived</u>                     |   |
| NUMBER OF LAST<br>NIV <u>Waived</u>                         | CLASSIFICATION<br>OF LAST NIV <u>Waived</u>                       |   |
| I-94 NUMBER <u>564944170 08</u>                             |   |   |

# 公 证 书

中华人民共和国浙江省公证处

I certify that I have compared this copy with  
its original and it is a true and complete copy.  
Signed JOCELYNE J. KIM LEW Date JUL 02 2003  
JOCELYNE J. KIM LEW, Attorney at Law  
2055 Woodside Road, #150 Redwood City, CA 94089  
Admitted to practice in the State of California

出生公证书

(2003)浙证字第004442号

兹证明陈海骑,男,于一九五九年九月十一日在安徽省宿县出生。陈海骑的父亲是陈坦,陈海骑的母亲是马新。

中华人民共和国浙江省公证处



公证员

二〇〇三年六月六日

公证处

I certify that I have compared this copy with  
its original and it is a true and complete copy.

Signed JOCELYNE J. KIM LEW Date JUL 02 2003

JOCELYNE J. KIM LEW, Attorney at Law

2055 Woodside Road, #150 Redwood City, CA 94061

Admitted to practice in the State of California

X 103737158

NOTARIAL CERTIFICATE  
OF BIRTH  
(Translation)

(2003)ZZ.Zi.No.004442

This is to certify that Haiqi Chen, male, was born on September 11, 1959 in Su County Anhui Province. His father is Chen Tan and his mother is Ma Xin.

Notary: Cui Xiaoming (Signature)  
Zhejiang Notary Public Office (Seal)  
The People's Republic of China  
June 16, 2003

103737174

I certify that I have compared this copy with  
its original and it is a true and accurate copy.  
Signed JOCELYNE J. KIM LEW Date JUL 02 2003  
JOCELYNE J. KIM LEW, Attorney at Law  
2055 Woodside Road, #150 Redwood City, CA 94061  
Admitted to practice in the State of California

## EXHIBIT B

Chen, Harry

From: Christine Vecchio [christine@lewslaw.com]  
 Sent: Tuesday, September 26, 2006 11:38 AM  
 To: Chen, Harry  
 Cc: Quigg, Shannon  
 Subject: Fw: I-485s WAC-03-205-63173 A 97 346 394 et. al.

Hi Harry,  
 Please see response from USCIS to Jocelyne's email inquiry.

Regards,  
 Christine

\*\*\*\*\*  
 Christine Vecchio, Legal Assistant  
 Jocelyne J. Kim Lew - A Professional Law Corporation  
 2055 Woodside Rd. Suite #150  
 Redwood City, CA 94061

Phone: (650) 369-2055  
 Fax: (650) 369-3285  
 www.lewslaw.com

>  
 > -----Original Message-----  
 > From: CSC XII 485 [mailto:CSC-XII.485@dhs.gov]  
 > Sent: Tuesday, September 26, 2006 11:27 AM  
 > To:  
 > Subject: RE: I-485s WAC-03-205-63173 A 97 346 394 et. al.  
 >  
 > Unfortunately, the principal's background security/name check has not  
 > yet cleared by the FBI as of this date. Only the FBI name check for  
 > derivative applicant, A 97 346 395, was cleared. Please note that all  
 > the riding applications will not be processed until the principal's  
 > application is processed. However, we have no control of how long it  
 > takes to the FBI to clear the case.  
 >  
 > T Le  
 > California Service Center  
 >  
 > -----Original Message-----  
 > From: Jocelyne Lew  
 > Sent: Monday, September 25, 2006 8:49 AM  
 > To: 'CSC XII 485'  
 > Subject: RE: I-485s WAC-03-205-63173 A 97 346 394 et. al.  
 >  
 > Hi  
 >  
 > Please advise if the security clearances have been received in these  
 > cases.  
 >  
 > Principal Applicant: CHEN, Haiqi  
 > Receipt No.: WAC-03-205-53173  
 > File No.: A 97 346 394  
 >  
 > Derivative Applicant: BA, Xiaohong  
 > Receipt No.: WAC-03-205-53189  
 > File No.: A 97 346 395

> Derivative Applicant: CHEN, Matthew  
 > Receipt No.: WAC-03-205-53208  
 > File No.: A 97 346 396  
 >  
 > Thanks.  
 >  
 > JJKL  
 >  
 > -----Original Message-----  
 > From: CSC XII 485 [mailto:CSC-XII.485@dhs.gov]  
 > Sent: Tuesday, April 18, 2006 7:27 AM  
 > To:  
 > Subject: RE: I-485s WAC-03-205-63173 A 97 346 394 et. al.  
 >  
 > Our records show that a response to an inquiry made through the  
 > National Customer Service Center was sent on 03/07/2006.  
 > Unfortunately, we do not retain copies of inquiry responses for the  
 > file unless it's item that requires be made part of the record. In  
 > this instance, the response may have been that the principal  
 > applicant's background security check has not yet cleared by the FBI  
 > as of this date. We regret to inform you that until the result is  
 > received the USCIS must suspend further processing on these cases.  
 > Thank you for your continued patience with this process.  
 >  
 > Officer R. Cruz  
 > California Service Center  
 > Congressional & Customer Service Relations Division XII  
 >  
 > -----Original Message-----  
 > From: Jocelyne J. Kim Lew > Sent: Monday, April 03, 2006 10:23 AM  
 > To: 485, CSC XII  
 > Subject: RE: I-485s WAC-03-205-63173 A 97 346 394 et. al.  
 >  
 > Hi  
 >  
 > On 03-01-2006 - an inquiry was sent to your office - although the  
 > on-line system indicates that a response was sent on 03-08-2006 - I  
 > have no record of receiving a response.  
 >  
 > Please advise of the status of the pending I-485s for the Chen family.  
 >  
 > Thanks.  
 >  
 > JJKL  
 >  
 > \*\*\*\*\*  
 >  
 > Jocelyne J. Kim Lew, Esq.  
 > Jocelyne J. Kim Lew, A Professional Law Corporation  
 > http://www.lewslaw.com <http://www.lewslaw.com>  
 > 2055 Woodside Road #150  
 > Redwood City, CA 94061  
 > Phone: (650) 369-2055  
 > Fax: (650) 369-3285  
 >  
 > THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE IS INTENDED ONLY FOR  
 > THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS. THIS  
 > MESSAGE IS ATTORNEY WORK-PRODUCT AND AN ATTORNEY-CLIENT COMMUNICATION,  
 > AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. THANK YOU.  
 >  
 >  
 >  
 > -----Original Message-----  
 > From: Jocelyne J. Kim Lew [mailto:  
 > Sent: Wednesday, March 01, 2006 9:04 AM  
 > To: 485, CSC XII

> Subject: I-485s WAC-03-205-63173 A 97 346 394 et. al.  
>  
>  
> Hi  
>  
> Principal Applicant: CHEN, Haiqi  
> Receipt No.: WAC-03-205-53173  
> File No.: A 97 346 394  
>  
> Derivative Applicant: BA, Xiaohong  
> Receipt No.: WAC-03-205-53189  
> File No.: A 97 346 395  
>  
> Derivative Applicant: CHEN, Matthew  
> Receipt No.: WAC-03-205-53208  
> File No.: A 97 346 396  
>  
> Dr. Chen and his family filed their adjustment of status applications  
> on  
> 07-03-2003 - visa numbers became available in February 2006. Please  
> advise of the status of their applications since their cases are  
> beyond the processing time reflected on the JIT report.  
>  
> Thanks.  
>  
> JJKL  
>>  
>  
> -----Original Message-----  
> From: Jocelyne J. Kim Lew [  
> Sent: Wednesday, July 13, 2005 7:29 AM  
> To: 485, CSC XII  
> Subject: Follow up email I-485 WAC-03-205-63173 A 97 346 394 et. al.  
> Importance: High  
>  
>  
> Good morning  
>  
> I have not received a response to the email below which was sent on  
> 06-14-2005.  
>  
> Please advise of the status of these pending adjustments.  
>  
> Thanks in advance for your attention to these cases.  
>  
> JJKL  
>  
> \*\*\*\*\*  
>  
> Jocelyne J. Kim Lew, esq.  
> Jocelyne J. Kim Lew, A Professional Law Corporation  
> <http://www.lewslaw.com> <<http://www.lewslaw.com>>  
> 2055 Woodside Road #150  
> Redwood City, CA 94061  
> Phone: (650) 369-2055  
> Fax: (650) 369-3285  
>  
> THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE IS INTENDED ONLY FOR  
> THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS. THIS  
> MESSAGE IS ATTORNEY WORK-PRODUCT AND AN ATTORNEY-CLIENT COMMUNICATION,  
> AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. THANK YOU.  
>  
>  
>  
> -----Original Message-----  
> From: Jocelyne J. Kim Lew [

> Sent: Tuesday, June 14, 2005 5:55 PM  
> To: 485, CSC XII  
> Subject: 3rd email: I-485 WAC-03-205-63173 A 97 346 394 et. al..  
>  
>  
> Hi  
>  
> Principal Applicant: CHEN, Haiqi  
> Receipt No.: WAC-03-205-53173  
> File No.: A 97 346 394  
>  
> Derivative Applicant: BA, Xiaohong  
> Receipt No.: WAC-03-205-53189  
> File No.: A 97 346 395  
>  
> Derivative Applicant: CHEN, Matthew  
> Receipt No.: WAC-03-205-53208  
> File No.: A 97 346 396  
>  
> Six months ago - a response to an email inquiry indicated these cases  
> were "undergoing detailed review". (See below)  
>  
> Please advise of the current status since these cases have now been  
> pending for almost 2 years.  
>  
> Thanks.  
>  
> JJKL  
>  
> \*\*\*\*\*  
>  
> Jocelyne J. Kim Lew, esq.  
> Jocelyne J. Kim Lew, A Professional Law Corporation  
> <http://www.lewslaw.com> <<http://www.lewslaw.com>>  
> 2055 Woodside Road #150  
> Redwood City, CA 94061  
> Phone: (650) 369-2055  
> Fax: (650) 369-3285  
>  
> THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE IS INTENDED ONLY FOR  
> THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS. THIS  
> MESSAGE IS ATTORNEY WORK-PRODUCT AND AN ATTORNEY-CLIENT COMMUNICATION,  
> AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. THANK YOU.

>  
>  
> -----Original Message-----  
> From: 485, CSC XII [mailto:[CSC-XII.485@dhs.gov](mailto:CSC-XII.485@dhs.gov)]  
> Sent: Wednesday, December 15, 2004 10:02 AM  
> To: "Jocelyne J. Kim Lew"  
> Subject: Re:2nd email: I-485 WAC-03-205-63173 A 97 346 394 et. al.  
>  
>

> These cases are undergoing detailed review. Please allow sufficient  
> time for processing.  
>  
> Thank you,  
> Kathleen Bergey  
> Center Adjudications Officer  
> Congressional & Consumer Relations Division XII California Service  
> Center  
>

> Reply Separator  
> Subject: 2nd email: I-485 WAC-03-205-63173 A 97 346 394 et. al.  
> Author: "Jocelyne J. Kim Lew" <  
> Date: 11/17/2004 12:05 PM

>  
> Hi  
>  
> A first email inquiry was sent on this case 11-02-2004. Todate, I  
> have not received a response to that inquiry. Additionally, upon  
> checking again the on-line status - it shows the cases are still  
> pending. Please advise.  
>  
> JJKL  
>  
> \*\*\*\*\*  
>  
> NOTE: This office will be closed for the Thanksgiving Holiday from  
> November  
> 22 through 26, inclusive.  
>  
> Jocelyne J. Kim Lew, esq.  
> Jocelyne J. Kim Lew, A Professional Law Corporation  
> <http://www.lewslaw.com> <<http://www.lewslaw.com>>  
> 2055 Woodside Road #150  
> Redwood City, CA 94061  
> Phone: (650) 369-2055  
> Fax: (650) 369-3285  
>  
> THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE IS INTENDED ONLY FOR  
> THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS. THIS  
> MESSAGE IS ATTORNEY WORK-PRODUCT AND AN ATTORNEY-CLIENT COMMUNICATION,  
> AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. THANK YOU.

>  
>  
>  
> -----Original Message-----  
> From: Jocelyne J. Kim Lew [br/> > Sent: Tuesday, November 02, 2004 9:02 AM  
> To: 485, CSC XII  
> Subject: I-485 WAC-03-205-63173 A 97 346 394 et. al.

>  
>  
> Hi  
>  
> Principal Applicant: CHEN, Haiqi  
> Receipt No.: WAC-03-205-53173  
> File No.: A 97 346 394  
>  
> Derivative Applicant: BA, Xiaohong  
> Receipt No.: WAC-03-205-53189  
> File No.: A 97 346 395  
>  
> Derivative Applicant: CHEN, Matthew  
> Receipt No.: WAC-03-205-53208  
> File No.: A 97 346 396  
>  
> Dr. Chen and his family filed their adjustment of status applications  
> on  
> 07-03-2003 - the prints for Dr. Chen and his spouse cleared on  
> 09-09-2004 - please advise of the status of their applications since  
> their cases are beyond the processing time reflected on the JIT report.  
>  
> Thanks.

>  
> JJKL  
>  
> \*\*\*\*\*  
>  
> NOTE: This office will be closed for the Thanksgiving Holiday from  
> November

## EXHIBIT C

December 12, 2005

Barbara Boxer  
1700 Montgomery Street, Suite 240  
San Francisco, CA 94111

RE: , Name Checking for I-485s At FBI

Dear Senator Boxer:

We are writing to ask your help on finding out the status for the name checking at FBI for our I-485 applications.

We started our process for green cards in the year 2000 and filed our I-485 forms in July 2003. At this point, our applications are still pending. Our immigration layer contacted USCIS in November 2004 and July 2005. In both cases, USCIS responded as "These cases are undergoing detailed review...." From our layer's experience, this indicates that our cases are pending for name checking at FBI. The lengthy waiting for I-485 approval has caused many difficulties for our family. For example the main applicant (Haiqi Chen) has to stay on the same position for over 6 years; our travel to abroad is very difficult;

Please help us to find out if the name checking has been completed for us. If not, what is the status. Thanks for your time. We anxiously await your response.

Sincerely,



Haiqi Chen  
Xiaohong Ba

> 22 through 26, inclusive.

>

> Jocelyne J. Kim Lew, esq.

> Jocelyne J. Kim Lew, A Professional Law Corporation

> <http://www.lewslaw.com> <<http://www.lewslaw.com>>

> 2055 Woodside Road #150

> Redwood City, CA 94061

> Phone: (650) 369-2055

> Fax: (650) 369-3285

>

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> AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. THANK YOU.

>

>

>

>

>

## EXHIBIT D

U.S. Department of Homeland Security  
 California Service Center  
 P.O. Box 30111  
 Laguna Niguel, CA 92607-0111



**U.S. Citizenship  
 and Immigration  
 Services**

Tuesday, March 7, 2006

HAIQI CHEN  
 6084 SEQUOIA COURT  
 PLEASATON CA 94588

Dear Haiqi Chen:

On 02/10/2006 you, or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

**Caller indicated they are:**

**Attorney Name:**

The applicant

Information not available

**Case type:**

I485

**Filing date:**

Information not available

**Receipt #:**

WAC-03-205-53173

**Beneficiary (if you filed for someone else):**

Chen, Haiqi

**Your USCIS Account Number (A-number):**

Information not available

**Type of service requested:**

Case Status - Outside Processing Time

The status of this service request is:

The processing of your case has been delayed. A check of our records establishes that your case is not yet ready for decision, as the required investigation into your background remains open.

Until the background investigation is completed, we cannot move forward on your case. These background checks are required to be completed on all applicants who apply for the immigration benefit you are seeking. We will make every effort to make a decision on this case as soon as the background checks are complete. If you do not receive a decision or other notice of action from us within 6 months of this letter, please contact us by calling our customer service number provided below.

If you have any further questions, please call the National Customer Service Center at 1-800-375-5283.

Please remember: By law, every person who is not a U.S. citizen and who is over the age of 14 must also notify the Department of Homeland Security within 10 days from when they move (persons in "A" or "G" nonimmigrant status are exempt from this requirement). If you have moved, please complete a Form AR-11 and mail it to the address shown on that form. If you do not have this form, you can download it from our website or you can call the National Customer Service Center at 1-800-375-5283 and we can order one for you. If you move, please call us with your new address information as soon as your move is complete. If you have already called us and given us this information, you do not need to call again.

U.S. Citizenship and Immigration Services

## EXHIBIT E

August 16, 2006

Haiqi Chen  
6084 Sequoia Court  
Pleasanton, CA 94588

Dear Mr. Chen:

According to the FBI, your name check is still pending. As you may know, the FBI can only inform me whether a name check is pending, completed, or not found. Unfortunately, the checks cannot be expedited, multiple agencies are involved, and the FBI cannot estimate how long a specific clearance can take. Thank you for understanding the limitations of my authority in this matter.

Sincerely,



Pete Stark  
Member of Congress

FHS/ibi

## EXHIBIT F

## United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

December 8, 2006

Mr. Haiqi Chen  
6084 Sequoia Court  
Pleasanton, California 94588

Dear Mr. Chen:

The Federal Bureau of Investigation has told me that your name check has been pending since July 31, 2003. The FBI requests that our office wait ninety days before making a follow up inquiry.

I hope that this information is helpful and that it will clarify the situation for you. If you have further questions, or if there is any way the Senator's office can help you in the future on other federal matters, I hope you will contact us again.

Sincerely,



Morgan Galli  
Constituent Services Representative



LOS ANGELES OFFICE:  
11111 SANTA MONICA BOULEVARD  
SUITE 815  
LOS ANGELES, CA 90025  
(310) 814-7300

SAN DIEGO OFFICE:  
750 B STREET  
SUITE 1030  
SAN DIEGO, CA 92101  
(619) 237-8712

SAN FRANCISCO OFFICE:  
ONE FIFTH STREET  
SUITE 2450  
SAN FRANCISCO, CA 94104  
(415) 363-0707

## EXHIBIT G

[Print This Page](#)[Back](#)

## U.S. Citizenship and Immigration Services

### Nebraska Service Center Service Center Processing Dates

#### Posted April 18, 2007

**Notice:** U.S. Citizenship and Immigration Services (USCIS) has improved the reporting procedure for processing times of immigration benefit applications. In the past, USCIS benefit processing reports indicated the specific type of applications or petitions that were being processed and the date the cases were received. However, the date the case was received did not provide a clear indication of when USCIS expected to complete the case, nor did it provide a clear indication of USCIS' commitment to process cases within a certain cycle time. It also did not align with the processing times and cycle times the agency reports in other contexts.

This improved reporting procedure is an effort to give our customers more accurate information that better reflects current processing time and USCIS service level commitments. Effective immediately, when we are completing applications and petitions within our service level goals we will report that as the processing time. For example, when our service level goal is to process a particular kind of case within six months, and if our processing time is six months or less, we will show a date consistent with our service level goal because that reflects our commitment.

When we are not meeting our service level goal, the date posted will reflect the filing date of cases that are being completed. It should be noted that while in some instances reported processing dates may appear to have regressed due to this change, they do not reflect a lengthening of USCIS processing times, but simply the change in reporting. Our goal is to provide accurate projections and thus give customers clear expectations as to what they can expect as a processing time.

There are several important exceptions to the processing times shown below:

- Case processing will be delayed if we must ask you for more evidence or information.  
If we ask for missing required initial evidence, count the processing time from when we receive that missing evidence.
- The case processing timeframe will start over if a customer doesn't appear for an interview or asks that it be rescheduled.

What if I have a problem or have questions about a case?

We offer a variety of services after you file. For example, for most kinds of cases you can [check the status of your case online](#).

For more information about when and how to contact us, whether your case is outside our processing time or if there are other issues, please see our fact sheet –

[Case Services - How do I... know what kind of services are available to me after I file my application or petition?](#)

One additional point about these projections. They are the time to complete processing and mail the actual notice and/or document. If you check case status online and see that your case has been approved, and you haven't yet received your approval notice or document in the mail, we ask that you wait thirty days from the approval date before contacting us. That is because it may take that long before it is returned to us as undeliverable. You can also print the case status online answer for your records.

|       |   |   |                   |
|-------|---|---|-------------------|
| I-90  | Application to Replace Permanent Resident Card                            | Initial issuance or replacement   | October 14, 2006  |
| I-90  | Application to Replace Permanent Resident Card                            | 10-year renewal   | August 14, 2005   |
| I-90A | Application to Replace Permanent Resident Card                            | Initial issuance or replacement for Special Agricultural Workers (SAW)                        | April 25, 2006    |
| I-102 | Application for Replacement/Initial Nonimmigrant Arrival/Departure Record | Initial issuance or replacement of a Form I-94  | January 13, 2007  |
| I-129 | Petition for A Nonimmigrant Worker  | H-1B - Specialty occupation - Visa to be issued abroad  | May 14, 2006      |
| I-129 | Petition for A Nonimmigrant Worker  | H-1B - Specialty occupation - Change of status in the U.S.                                    | May 14, 2006      |
| I-129 | Petition for A Nonimmigrant Worker  | H-1B - Specialty occupation - Extension of stay in the U.S.                                   | May 14, 2006      |
| I-129 | Petition for A Nonimmigrant Worker  | H-2A - Temporary workers  | February 22, 2007 |
| I-129 | Petition for A Nonimmigrant Worker  | H-2B - Other temporary workers  | March 16, 2007    |
| I-129 | Petition for A Nonimmigrant Worker  | H-3 - Temporary trainees  | May 14, 2006      |
| I-129 | Petition for A Nonimmigrant Worker  | L - Intracompany transfers  | March 16, 2007    |
| I-129 | Petition for A Nonimmigrant Worker  | Blanket L   | May 14, 2006      |
| I-129 | Petition for A Nonimmigrant Worker  | O - Extraordinary ability   | May 14, 2006      |
| I-129 | Petition for A Nonimmigrant Worker  | P - Athletes, artists, and entertainers   | May 14, 2006      |
| I-129 | Petition for A Nonimmigrant Worker  | Q - Cultural exchange visitors and exchange visitors participating in the Irish Peace process | May 14, 2006      |
| I-129 | Petition for A Nonimmigrant Worker  | R - Religious occupation  | May 14, 2006      |
| I-129 | Petition for A Nonimmigrant Worker  | TN - North American Free Trade Agreement (NAFTA) professional                                 | May 14, 2006      |
| I-131 | Application for Travel Document   | Permanent resident applying for a re-entry permit   | December 05, 2006 |
| I-131 | Application for Travel Document   | Refugee or asylee applying for a refugee travel document                                      | December 05, 2006 |
| I-131 | Application for Travel Document   | Haitian Refugee Immigrant Fairness Act (HRIFA) principal applying for advance parole          | January 13, 2007  |
| I-131 | Application for Travel Document   | Haitian Refugee Immigrant Fairness Act (HRIFA) dependent applying for advance parole          | July 15, 2006     |
| I-131 | Application for Travel Document   | All other applicants for advance parole   | January 13, 2007  |
| I-140 | Immigrant Petition for Alien Worker                                       | Extraordinary ability   | July 01, 2006     |
| I-140 | Immigrant Petition for Alien Worker                                       | Outstanding professor or researcher   | August 01, 2006   |
| I-140 | Immigrant Petition for Alien Worker                                       | Multinational executive or manager  | June 16, 2006     |
| I-140 | Immigrant Petition for Alien Worker                                       | Schedule A Nurses   | July 25, 2006     |
| I-140 | Immigrant Petition for Alien Worker                                       | Advanced degree or exceptional ability  | August 01, 2006   |
| I-140 | Immigrant Petition for Alien Worker                                       | Advanced degree or exceptional ability requesting a National Interest Waiver                  | June 01, 2006     |
| I-140 | Immigrant Petition for Alien Worker                                       | Skilled worker or professional  | August 14, 2006   |
| I-140 | Immigrant Petition for Alien Worker                                       | Unskilled worker  | October 14, 2006  |

|       |  |   |                    |
|-------|--|---|--------------------|
| I-212 | Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal<br><i>Case 3:07-cv-02462-SC</i> | Readmission after deportation or removal  | November 29, 2005  |
| I-360 | Petition for Amerasian, Widow(er), or Special Immigrant  | All other special immigrants  | October 14, 2006   |
| I-485 | Application to Register Permanent Residence or to Adjust Status  | Employment-based adjustment applications  | September 11, 2006 |
| I-485 | Application to Register Permanent Residence or to Adjust Status  | Based on grant of asylum more than 1 year ago   | March 01, 2004     |
| I-485 | Application to Register Permanent Residence or to Adjust Status  | Based on refugee admission more than 1 year ago   | April 15, 2006     |
| I-485 | Application to Register Permanent Residence or to Adjust Status  | Under the Haitian Refugee Immigrant Fairness Act (HRIFA)  | October 14, 2006   |
| I-485 | Application to Register Permanent Residence or to Adjust Status  | Under the Indochinese Adjustment Act  | August 01, 2006    |
| I-539 | Application to Extend/Change Nonimmigrant Status   | Change of status to H or L dependents   | December 05, 2006  |
| I-539 | Application to Extend/Change Nonimmigrant Status   | Change status to the F or M academic or vocational student categories   | December 05, 2006  |
| I-539 | Application to Extend/Change Nonimmigrant Status   | Change Status to the J exchange visitor category  | December 05, 2006  |
| I-539 | Application to Extend/Change Nonimmigrant Status   | All other change of status applications   | December 05, 2006  |
| I-539 | Application to Extend/Change Nonimmigrant Status   | Extension of stay for H and L dependents  | December 05, 2006  |
| I-539 | Application to Extend/Change Nonimmigrant Status   | Extension of Stay for F or M academic or vocational students  | December 05, 2006  |
| I-539 | Application to Extend/Change Nonimmigrant Status   | Extension of Stay for J exchange visitors   | December 05, 2006  |
| I-539 | Application to Extend/Change Nonimmigrant Status   | All other extension applications  | December 05, 2006  |
| I-612 | Application for Waiver of the Foreign Residence Requirement  | Application for a waiver of the 2-year foreign residence requirement based on exceptional hardship or persecution | November 27, 2006  |
| I-730 | Refugee/Asylee Relative Petition   | Petition for accompanying family members of a refugee or an asylee  | July 26, 2006      |
| I-751 | Petition to Remove the Conditions on Residence   | Removal of lawful permanent resident conditions (spouses of U.S. citizens and lawful permanent residents)         | September 06, 2006 |
| I-765 | Application for Employment Authorization   | Based on an approved asylum application [(a)(5)]  | February 12, 2007  |
| I-765 | Application for Employment Authorization   | Based on a request by a qualified F-1 academic student. [(c)(3)]  | January 27, 2007   |
| I-765 | Application for Employment Authorization   | Based on a pending asylum application [(c)(8)]  | February 12, 2007  |
| I-765 | Application for Employment Authorization   | Based on a pending I-485 adjustment application [(c)(9)]  | January 27, 2007   |
| I-765 | Application for Employment Authorization   | All other applications for employment authorization   | January 27, 2007   |
| I-817 | Application for Family Unity Benefits  | Voluntary departure under the family unity program  | October 14, 2006   |

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PROOF OF SERVICE BY MAIL

I, Beth Feinberg, the undersigned, say:

I am over the age of eighteen years and not a party to the within action or proceedings: my business address is Van Der Hout, Brigaglano & Nightingale, LLP, 180 Sutter Street, Fifth Floor, San Francisco, CA 94104.

On May 8, 2007, I caused to be served the within:

**Declaration of Stacey L. Gartland**

**in Support of Petition for Writ of Mandamus**

on the opposing counsel by depositing one copy thereof, enclosed in a sealed envelope with postage fully pre-paid, in a mailbox regularly maintained by the United States Postal Service at San Francisco, California, addressed as follows:

Civil Process Clerk  
Office of the United States Attorney  
Northern District of California  
450 Golden Gate Ave.  
Tenth Floor, Box 36055  
San Francisco, CA 94102

Executed on May 8, 2007, at San Francisco, California. I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Beth Feinberg  
Declarant

Beth Feinberg  
Declarant